

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA,

v.

21-CR-7-LJV-JJK

JOHN STUART,

Defendant.

MOTION TO ADJOURN ORAL ARGUMENT

THE UNITED STATES OF AMERICA, by and through its attorney, Trini E. Ross, United States Attorney for the Western District of New York, Laura A. Higgins, Assistant United States Attorney, of counsel, hereby requests, with defense counsel's consent, and for the reasons set forth in the attached affidavit, an adjournment of the November 1, 2021 oral argument.

DATED: Buffalo, New York, October 30, 2021.

TRINI E. ROSS
United States Attorney

BY: */s/LAURA A. HIGGINS*
Assistant United States Attorney
United States Attorney's Office
Western District of New York
138 Delaware Avenue
Buffalo, New York 14202
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Laura.Higgins@usdoj.gov

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA,

v.

21-CR-7-LJV-JJM

JOHN STUART,

Defendant.

AFFIDAVIT

STATE OF NEW YORK)
COUNTY OF ERIE) SS:
CITY OF BUFFALO)

LAURA A. HIGGINS, being duly sworn, deposes and states:

1. I am an Assistant United States Attorney for the Western District of New York assigned to the prosecution of the above-referenced case. This affidavit is submitted in support of the government's motion for an adjournment of the November 1, 2021 oral argument.

2. Government counsel is currently engaged in a trial on another matter before the Honorable Richard J. Arcara, United States District Court Judge. Accordingly, government counsel is unable to attend the oral argument set for Monday, November 1, 2021. As there were several issues raised by the defendant in his motions, including seeking

suppression of significant evidence, your affiant is in a better position, as opposed to another AUSA, to respond to any issues raised by the Court and the defendant at the oral argument.

3. Your affiant has spoken with Jeffrey Bagley, AFD, counsel for defendant, and he consents to the government's request for an adjournment of the oral argument. The parties request that the Court reschedule the status conference for a date and time convenient to the Court during the week of November 15, 2021.

4. The parties agree that time should be excluded as being in the interest of justice and not contrary to the interests of the public and the defendant in a speedy trial pursuant to Title 18, United States Code, Section(s) 3161(h)(7)(A) and 3161(h)(7)(B)(iv). Further, because the defendant's has filed motions and those remain pending, the time should be excluded pursuant to Title 18, United States Code, Section 3161(h)(1)(D).

/s/LAURA A. HIGGINS

Assistant United States Attorney
United States Attorney's Office
Western District of New York
138 Delaware Avenue
Buffalo, New York 14202
716/843-5862
Laura.Higgins@usdoj.gov

Subscribed and sworn to before me

this 30th day of October, 2021.

/s/JESSICA OLSZEWSKI

COMMISSIONER OF DEEDS
In And For The City Of Buffalo, New York.
My Commission Expires Dec. 31, 2022.